IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 808 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT ELECTRICITY BOARD

Versus

INAYATRAJA AHMAD RAJA

Appearance:

1. Civil Revision Application No. 808 of 1997

MS SHRADDHA TRIVEDI for Petitioner No. 1

MR BP MUNSHI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 08/03/2004

ORAL JUDGEMENT

The petitioner is the original defendant of Regular Civil Suit No.41/1994 and the said suit is filed by the present respondent herein. During the pendency of

the aforesaid suit, on behalf of the petitioner an application was submitted at Exh.57, permitting the defendant to produce documentary evidence as well as list of witnesses. Said application was rejected by the learned trial Judge. The said order is under challenge in this Revision Application.

2) Considering the nature of the order, it is an interlocutory order passed during the pendency of the suit and the suit is still at large before the trial Court. In view of the amendment in Section 115 of C.P.C. the order in question is not revisable and this revision is not maintainable against such an interlocutory order. Under the circumstances, without considering the merits of this Civil Revision Application, the same is required to be disposed of as it is not maintainable. Accordingly, this Civil Revision Application is rejected, as not maintainable. It is clarified that this Court has not examined the merits of the case and it will be open for the petitioner to challenge the impugned order by filing a petition under Article 227 of the Constitution of India. Interim relief granted earlier is ordered to be extended upto 25th March, 2004, to enable the petitioner to take appropriate proceedings in accordance with law.

3) This Civil Revision Application is accordingly disposed of. Rule is discharged. No order as to costs.

(P.B.Majmudar,J.)

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